

**603 KAR 5:250. Selection of National Truck Network highways and reasonable access to these highways.**

RELATES TO: KRS 189.221, 189.222, 23 C.F.R. Part 658

STATUTORY AUTHORITY: KRS 189.222, 23 C.F.R. Part 658

NECESSITY, FUNCTION, AND CONFORMITY: KRS 189.222 authorizes the Secretary of Transportation to establish reasonable size limits for motor vehicles using the State Primary Road System. 23 CFR Part 658 requires the states to establish access review procedures certified by the Federal Highway Administration (FHWA) for purposes of allowing the operation of specified vehicles beyond the original limits of the National Truck Network as authorized by the Surface Transportation Appropriations Act of 1982. This administrative regulation is promulgated in order to provide for the procedures for the selection of additional highway segments to be included in the National Truck Network and terminal and service facility access review procedures to be administered by the Department of Highways.

Section 1. Definitions. (1) "STAA vehicle" shall mean a vehicle which exceeds the dimension limits set forth in 603 KAR 5:070, Section 1, but which does not exceed the dimensions prescribed by 603 KAR 5:070, Section 2(2). This includes the larger vehicles authorized by the Surface Transportation Assistant Act of 1980 as amended and 23 CFR Part 658.

(2) "National Truck Network (NTN)" shall mean the system of highway routes in Kentucky described in 603 KAR 5:070, Section 3, and Appendix A to 23 CFR Part 658.

(3) "Reasonable access" shall mean the right for an STAA vehicle to access a terminal or service facility under the provisions of 23 CFR Part 658.19.

(4) "Service facility" shall mean any commercial facility that provides repair, fuel, food, or rest to an STAA vehicle or its operator.

(5) "Terminal" shall mean any location where freight either originates, terminates, or is handled in the transportation process, or where commercial motor carriers maintain operating facilities.

Section 2. 23 CFR Part 658. Selection of the National Truck Network highways and access to terminals and services by STAA vehicles shall be governed by 23 CFR Part 658.

Section 3. Right of Access Without Review. Access to terminal and service facilities shall be allowed for STAA vehicles up to five (5) driving miles from the National Truck Network on state-maintained routes and up to one (1) mile on any nonstate-maintained route except where STAA vehicles are prohibited from using a route following the provisions set forth in Section 5 of this administrative regulation.

Section 4. Automatic Access by Special Vehicles. (1) Household goods transporters automatic access. An STAA vehicle operated by a household goods carrier who has been certificated as a household goods carrier by either the Interstate Commerce Commission or the Kentucky Transportation Cabinet under the provisions of KRS Chapter 281 shall have access between any points needed for the loading and unloading of the motor vehicle except where STAA vehicles specifically are prohibited from using a route following the provisions set forth in Section 5 of this administrative regulation.

(2) Short semitrailers automatic access. An STAA vehicle being operated in a truck tractor-semitrailer combination in which the semitrailer has a length which does not exceed twenty-eight and one-half (28 1/2) feet shall have access to any route except where STAA vehicles specifically are prohibited from using a route following the provisions set forth in Section 5 of this administrative regulation.

Section 5. Use of Route Prohibited. Any route within the one (1) mile or five (5) mile automatic access allowance set forth in Section 3 of this administrative regulation or in the automatic access allowed by the provisions of Section 4 of this administrative regulation that has significant, clearly-evident safety problems may by Transportation Cabinet official order or local ordinance which has been reviewed and approved by the Transportation Cabinet be closed to use by STAA vehicles provided there is compliance with the following:

(1) If the prohibition of use is on a state-maintained route, an official order for that purpose shall be issued by the Transportation Secretary with the approval of the State Highway Engineer.

(2) If the prohibition of use relating to a locally-owned highway is the result of action by a local jurisdiction, that jurisdiction shall provide the State Highway Engineer with copies of the appropriate ordinance for review by the Department of Highways in order to ensure consistency of the local ordinance with 23 CFR Part 658. The Transportation Cabinet shall either approve, disapprove or offer changes to the local ordinance within thirty (30) days of receipt of the ordinance. If the Transportation Cabinet fails to act within the thirty (30) days, the local ordinance shall become effective on the 31st day.

(3) Any route normally falling within the five (5) mile or one (1) mile automatic access which is prohibited for use by STAA vehicles under the provisions of this section shall be identified by the placement of a traffic sign by either the Department of Highways or the local government unit having jurisdiction over the route.

(4) Any route normally falling within the five (5) mile or one (1) mile automatic access which is prohibited for use by STAA vehicles under the provisions of this section shall be identified in 603 KAR 5:070.

Section 6. Request for New Route to be Available to STAA Vehicles or Terminal and Service Facility Access Review. Any owner or operator of an STAA vehicle who has need to operate a STAA vehicle on a publicly-owned highway route segment not set forth in 603 KAR 5:070 or who cannot reach a terminal or service facility through the access provisions of Section 3 of this administrative regulation and the highway segments set forth in 603 KAR 5:070 may request review of a specific route by the following procedures:

(1) The applicant shall file a written request addressed to the Division of Planning, 419 Ann Street, Frankfort, Kentucky 40622, in an envelope plainly marked "STAA Route Review";

(2) The applicant currently shall mark on a state highway map the routes the applicant travels within Kentucky. The applicant shall also provide a written description of these routes;

(3) The applicant shall mark on the same map used in subsection (2) of this section the proposed route to be reviewed and, if appropriate, mark the terminal or service facility proposed to be used by STAA vehicles. The applicant shall also provide a written description of the route desired to be traveled in Kentucky, the reason why the route is desired to be used, and furnish any other appropriate proof of need to use the route;

(4) The applicant shall describe the STAA motor vehicle proposed to be operated by the applicant over the route, including kingpin distance of trailers as measured to the center of the rear axle and the amount of rear overhang as measured from the center of the rear axle to the rear of the trailer. These dimensions shall not exceed a forty-one (41) foot kingpin distance nor a rear overhang of five (5) feet; and

(5) The applicant shall agree to supply a tractor-semitrailer vehicle combination in which the semi-trailer is fifty-three (53) feet long and 102 inches wide and the tractor is a standard model rather than a short, snub-nosed model and driver for use in demonstrating vehicle performances on the route requested to be reviewed within thirty (30) days.

Section 7. Access Review Procedure. (1) After receipt of a "Request for Terminal or Service Facility Access Review" which meets the requirements of Section 6 of this administrative regulation, the Transportation Cabinet shall have ninety (90) days in which to inspect the route as specified in Section 8 of this administrative regulation, make a recommendation as to whether the route should be approved as an access route, obtain the approval of the State Highway Engineer, and obtain the secretary's approval of an official order designating the route as part of the access routes for the NTN system, if so warranted. Otherwise, it shall notify the applicant that the request has been refused.

(2) In making its findings, the Transportation Cabinet shall consider all of the factors set forth in Section 8 of this administrative regulation. Failure to meet any one (1) of the application requirements set forth in Section 5 of this administrative regulation shall be grounds for denial of a request for access review.

(3) Failure by the Transportation Cabinet to either approve or reject the request within the ninety (90) day period shall constitute automatic approval of this request.

(4) If the route requested for terminal or service facility access is locally-owned and not state-maintained, the Department of Highways shall immediately notify the jurisdictional unit of government of the request. The local government unit may also review the request and respond to the Department of Highways with its recommendations within sixty (60) days.

(5) If a route requested for terminal or service facility access is of sufficient dimensions and geometrics that there is no question by the Transportation Cabinet of its suitability for inclusion as an access route to the NTN, the route may be included as an access route to the NTN by the Department of Highways without the tests prescribed in Section 8 of this administrative regulation.

Section 8. Provision for Over-the-road or Template Tests. A test drive of the terminal or service facility access review route shall be accomplished except where as-built planimetric plan drawings are available at a sufficient scale for use of template measures. In these cases the template measures may be substituted for an STAA vehicle test drive over the route. Where no suitable as-built plans exist, the applicant-furnished STAA dimension test vehicle shall be driven over the route and the vehicle's performance recorded so as to provide a permanent record demonstrating the adequacy or inadequacy of its performance. The test drive shall be performed at or near the highway segment speed limit in order to approximate actual conditions.

Section 9. Engineering and Safety Criteria. Any route requested for terminal or service facility access review in which the test drive or template measures required by Section 8 of this administrative regulation found the route to be inadequate shall be subjected to an engineering and safety analysis. After a route inadequacy is shown by the test imposed under Section 8 of this administrative regulation any one (1) of the following design deficiencies shall disqualify a route from further consideration for inclusion in the National Truck Network:

(1) A two (2) lane, two (2) directional route which has a lane width of less than ten (10) feet;

(2) A route which has a structure on which the bridge weight allowance is less than 80,000 pounds for use by a tractor semitrailer combination with five (5) or more axles or is less than 73,500 pounds for use by a straight truck with four (4) or more axles;

(3) A route which has an underpass that has a vertical clearance of less than thirteen (13) feet six (6) inches;

(4) A route which has a bridge structure with a width, measured curb to curb, of less than twenty-two (22) feet;

(5) A route greater than one (1) mile in length where the sight passing distance over fifty (50) percent of any segment of the route is restricted to lengths less than 1,500 feet;

(6) A route where a combination of two (2) or more of the following conditions on any segment of

the route is of a magnitude to constitute a clearly-evident safety hazard;

(a) There exists high degrees of horizontal or vertical curvature;

(b) The roadway shoulders are less than four (4) feet in width; or

(c) There is a narrow bridge on the road segment;

(7) A route on which the turning radii of urban intersections are insufficient, as measured by template or on-site observation, to permit safe turning maneuvers by an STAA vehicle or a route on which the operation of an STAA vehicle constitute a safety hazard to other vehicle operators or public or private property by reason of vehicle off-tracking or opposing lane encroachment; or

(8) A route on which the incidence of traffic accidents is of a magnitude to indicate that any portion of the route is unsafe for use by STAA vehicles.

Section 10. Request for New NTN Route for Use by STAA Vehicles. After receipt of a request for a new NTN route for use by STAA vehicles which meets the requirements of Section 5 of this administrative regulation and which was not submitted in order to reach a terminal or service facility, the Transportation Cabinet shall subject the requested route to the engineering and safety analysis set forth in Section 9 of this administrative regulation. (17 Ky.R. 3066; Am. 3468; 18 Ky.R. 280; eff. 7-2-91.)